

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

CRIMINAL NO. 05-187(1) (RHK/JSM)

Plaintiff,

v.

REPORT AND RECOMMENDATION

BOLA OLUGBENGA AIYESE,

Defendant.

JANIE S. MAYERON, United States Magistrate Judge

The above matter came on before the undersigned upon Defendant's Motions (1) for Discovery and Suppression of Confessions or Statements in the Nature of Confessions [Docket No. 15], (2) to Suppress Eyewitness Identification [Docket No. 18], and (3) to Suppress Evidence Obtained as a Result of Search and Seizure [Docket No. 26], and the Government's Motion to Strike Defense Motion Regarding Statements Made by the Defendant [Docket No. 38].

Assistant United States Attorney John Docherty appeared on behalf of the Government; Calandra Harris and Caroline Durham appeared on behalf of defendant Bola Olugbenga Aiyese, who was personally present.

Based upon the pleadings and pre-hearing submissions, it is recommended that:

1. Defendant Bola Olugbenga Aiyese's Motion for Discovery and Suppression of Confessions or Statements in the Nature of Confessions [Docket No. 15] is WITHDRAWN based on the

representations of defendant's counsel at the hearing on the pretrial motions.

2. Defendant Bola Olugbenga Aiyese's Motion to Suppress Eyewitness Identification [Docket No. 18] is DENIED as moot based on the representations of the Government in its response to defendant's pretrial motions and representations of defendant's counsel at the hearing on the pretrial motions.
3. Defendant Bola Olugbenga Aiyese's Motion to Suppress Evidence Obtained as a Result of Search and Seizure [Docket No. 26] is DENIED as moot based on the representations of the Government in its response to defendant's pretrial motions and representations of defendant's counsel at the hearing on the pretrial motions.
4. The Government's Motion to Strike Defense Motion Regarding Statements Made by the Defendant [Docket No. 38] is DENIED as moot based on defendant's representations that he is withdrawing the Motion for Discovery and Suppression of Confessions or Statements in the Nature of Confessions.

Dated: August 1, 2005

s/ Janie S. Mayeron  
JANIE S. MAYERON  
United States Magistrate Judge

Pursuant to Local Rule 72.1(c)(2), any party may object to this Report and

Recommendation by filing with the Clerk of Court, and by serving upon all parties on or before **August 19, 2004** a copy of this Report, written objections which specifically identify the portions of the Report to which objections are made and the bases for each objection.

Unless the parties stipulate that the District Court is not required by 28 U.S.C. § 636 to review a transcript of the hearing in order to resolve all objections made to this Report and Recommendations, the party making the objections shall timely order and file a complete transcript of the hearing on or before **August 19, 2004**.